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ACTION WHA-00

INFO	LOG-00	NP-00	CIAE-00	INL-00	DODE-00	DOEE-00	DOTE-00
	SRPP-00	DS-00	EAP-00	EB-00	OIGO-00	FAAE-00	FBIE-00
	VC-00	H-00	TEDE-00	INR-00	LAB-01	L-00	VCE-00
	AC-00	NSAE-00	OMB-00	PA-00	PM-00	PRS-00	ACE-00
	P-00	SP-00	SSO-00	SS-00	TRSE-00	T-00	USIE-00
	PMB-00	DSCC-00	PRM-00	DRL-00	G-00	NFAT-00	SAS-00
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FM AMEMBASSY OTTAWA

TO SECSTATE WASHDC IMMEDIATE 3426

INFO ALL CANADIAN POSTS COLLECTIVE IMMEDIATE

NSC WASHDC IMMEDIATE

WHITE HOUSE WASHDC IMMEDIATE

DEPT OF HOMELAND SECURITY WASHINGTON DC IMMEDIATE

DEPT OF JUSTICE WASHDC IMMEDIATE

DEA HQS WASHDC IMMEDIATE

RELEASED IN PART
B1, 1.4(D)

C O N F I D E N T I A L OTTAWA 003592

NOFORN

WHITE HOUSE PASS TO ONDCP

E.O. 12958: DECL: 12/15/2013

TAGS: PREL, PINR, SNAR, CA

SUBJECT: CANADA: NEW MINISTER OF JUSTICE AND ATTORNEY

GENERAL IRWIN COTLER

REF: (A) OTTAWA 3562

Classified By: A/DCM LESLIE GERSON, REASON: 1.5 (B) AND (D).

1. (C) SUMMARY. Irwin Cotler, Minister of Justice and Attorney General for Canada, was one of 39 Liberal MPs sworn in last week as members of Prime Minister Paul Martin's Cabinet (REFTEL A). Cotler, a prominent human rights lawyer and social liberal, has been in the vanguard of calls for a public inquiry into the case of Syrian-Canadian citizen Maher Arar, who claims he was tortured in Syrian jails after being detained and deported to Syria from a U.S. port of entry. A relative newcomer to Parliament (he first was elected in 1999), the new Justice Minister has been supportive of initiatives to decriminalize possession of small amounts of marijuana and legalize same-sex marriages. He is said to be sympathetic to privacy rights, including with regard to the Public Safety Act, 2002 (Bill C-17), that would enable

UNITED STATES DEPARTMENT OF STATE

REVIEW AUTHORITY: SHARON E AHMAD

CLASSIFICATION: CONFIDENTIAL REASON: 1.4(D)

DECLASSIFY AFTER: 15 DEC 2023

DATE/CASE ID: 13 MAY 2009 200706444

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airlines to release personal passenger data to the government. END SUMMARY.

2. (U) On leave from his position as a law professor at McGill University where he is Director of the institution's Human Rights Program, Cotler was first elected to Parliament in 1999, and re-elected in 2001. In the recently pro-rogued 37th Parliament, he chaired the Subcommittee on Human Rights and International Development, and was a member of the Standing Committee on Justice and Human Rights. Cotler also served as Chair of Parliamentarians for Global Action, and co-Chair of the Parliamentary Human Rights Group, the country's first non-partisan joint House-Senate human rights caucus. He has been a visiting professor at Harvard Law School, a Woodrow Wilson Fellow at Yale Law School and is the recipient of five honorary degrees. Minister Cotler made a name for himself in international human rights circles as legal counsel to former prisoners of conscience such as Nelson Mandela and Andre Sakharov.

3. (C) One of many issues under Cotler's purview as Justice Minister will be marijuana decriminalization. The Chretien government's proposed legislation (Bill C-38) to decriminalize possession of small amounts (15 grams or less) of cannabis for personal use died under procedural rules when the 37th Parliament was pro-rogued on November 12, 2003. Though the new government retains the right to reintroduce the legislation -- either where it stood at prorogation, or as "new" legislation -- it is unclear at this juncture that passage of the legislation is a priority for Prime Minister Martin, especially in light of the negative impact it would have upon U.S.-Canada border cooperation. Cotler is on the record as supporting decriminalization of "small amounts" of marijuana and the idea remains publicly popular in Canada. (Comment: Post believes that if marijuana legislation is reintroduced, it likely would be a significantly watered-down version of the old Bill C-38. END COMMENT.)

4. (C/NF) The case of Maher Arar, a Syrian-Canadian citizen who claims he was tortured in Syrian jails after being detained and deported from a U.S. port of entry, has been an extraordinarily visible issue in Canada over the last few months and has generated a number of comments from top Canadian officials. Though former PM Chretien refused to call a public inquiry into the case, Cotler spoke on record about the "compelling testimony of Maher Arar" and described the deportation action by the United States as "precipitous" and a breach of "international law and its own domestic law". He supports a public inquiry. Prime Minister Martin has spoken [redacted] about the need for the

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United States to "respect the Canadian passport,"

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5. (U) Another significant domestic issue in Cotler's portfolio that raised some public controversy is that of same-sex marriages. In 2003, the courts of British Columbia and Ontario widened the definition of marriage to allow same-sex couples to obtain marriage licenses and register their marriages. Also in 2003, the Canadian federal government sent a draft bill changing the definition of

marriage in Canada to the Supreme Court for review as to the constitutionality of the bill before introducing it into the House of Commons. Cotler has publicly stated that he supports same-sex marriages, however, he also has said he "believes that the Supreme Court of Canada could accept a redefinition of civil marriages as civil unions open to both heterosexual and gay couples. Marriage would then be left to churches."

6. (C) Other key issues of interest to the U.S. upon which Cotler will have some influence as Justice Minister include the re-introduction and passage of former Bill C-17, aka the Public Safety Act, 2002, which would enable airlines to release personal passenger data to the government for security reasons. Cotler is said to be a strong advocate of Canadian privacy laws. Though unclear whether he took a particular position on C-17 before it went to the Senate, he may weigh in as Justice Minister. Cotler is also the former advisor to the Minister of Foreign Affairs on the International Criminal Court (ICC), to which the United States is not a signatory, and can be expected to advance the Court's agenda. Finally, we expect that Cotler will continue to take a tough stand on Nazi war criminals and other human rights abusers in Canada.

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